

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBIN NIXON,	)	
Plaintiff	)	
	)	
v.	)	CIVIL ACTION NO. 05-101 ERIE
	)	
NORFOLK SOUTHERN CORPORATION	)	
and NORFOLK SOUTHERN RAILWAY	)	
COMPANY, INC.,	)	
Defendants	)	ELECTRONICALLY FILED

**ORDER**

AND NOW, to-wit, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, upon consideration of the Defendants' Motion to Bar August W. Westphal as Expert Witness and to Exclude Westphal's Testimony and Other Evidence in Opposition to Defendants' Motion for Summary Judgment, including the pretrial record filed in support thereof, as well as the opposition thereto filed by plaintiff Robin Nixon, and it appearing that August W. Westphal is not qualified as an expert witness with respect to the opinions that he presents; that his opinions lack the required degree of reliability; and that his opinions are not relevant to the material issues in this civil action so as to satisfy all requirements of Rule 702 of the Federal Rules of Evidence,

IT IS ORDERED that the Defendants' Motion to Bar August W. Westphal as Expert Witness and to Exclude Westphal's Testimony and Other Evidence in Opposition to Defendants' Motion for Summary Judgment is hereby GRANTED and that August W. Westphal is hereby barred from serving as an expert witness in this civil action.

IT IS FURTHER ORDERED that all testimony and other evidence presented by August W. Westphal in opposition to the Motion for Summary Judgment on Behalf of Defendants Norfolk Southern Corporation and Norfolk Southern Railway Company, Inc. is hereby excluded.

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Maurice B. Cohill, Jr.  
Senior United States District Judge